

FILE NO.: Z-8835-B

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NAME: Magnolia Hill Revised Long-form PD-C

LOCATION: Located at 5110 Stagecoach Road

DEVELOPER:

WG "Buddy" Ellis  
5110 Stagecoach Road  
Little Rock, AR 72204

ENGINEER:

Laha Engineers, Inc.  
6602 Baseline Road, Suite E  
Little Rock, AR 72209

AREA: 14.7 acres      NUMBER OF LOTS: 1      FT. NEW STREET: 0 LF

CURRENT ZONING: PD-C

ALLOWED USES: Single-family and Special events

PROPOSED ZONING: PD-C

PROPOSED USE: Single-family and Special events – Add fireworks as an allowable activity

VARIANCES/WAIVERS REQUESTED: None requested.

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BACKGROUND:

The Little Rock Board of Directors denied a request to rezone the site from R-2, Single-family to Planned Commercial Development on February 19, 2013. The property was under enforcement for operating a commercial business on single-family zoned property. The applicant's request was to continue to use a portion of their ownership to host outdoor venues (weddings, fund raisers, special events) and to allow the inclusion of music and fireworks with these events.

Ordinance No. 20,729 approved by the Little Rock Board of Directors on May 21, 2013, allowed the rezoning of the site from R-2, Single-family to PD-C to allow the events center on the property without fireworks.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is now requesting to add the allowance of fireworks to the existing approval. The applicant has indicated the primary use of the property and outdoor venues are weddings. The outdoor wedding season begins in March and ends early December. The venue area encompasses approximately 15-acres of the applicant's total ownership. The wedding ceremonies are held on the property's private lake. The fireworks display will be performed over this 3-acre lake. According to the cover letter the firework displays were performed from 2010 to November of 2012. The applicant states the loss of the use of fireworks has resulted in the loss of wedding bookings.

According to the applicant most events are held on Saturday or Sunday afternoon between the hours of 2 pm and 10 pm. The applicant states all firework displays will end by 9:30 pm. The cover letter states all proper permits from the City of Little Rock Fire Marshall, City of Little Rock Chief of Police and the State Fire Marshall are approved prior to any firework display. The cover letter states any fallout from the fireworks will land in the lake or on the applicant's private property.

B. EXISTING CONDITIONS:

The property is located on Stagecoach Road near the Tall Timber and Pecan Lake subdivisions. The request includes the rezoning of only a portion of the applicant's ownership, the area which will be used for the events. Across Stagecoach Road to the east is a nursing home and to the south of the site is a church. As noted the Tall Timber Subdivision is located along the northern boundary of the applicant's property and to the east is the Pecan Lake Subdivision.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received a few informational phone calls from area residents. All property owners located within 200-feet of the site along with the Greenwood Acres Home Owners Association, the Pecan Lake Property Owners Association, the Stagecoach Dodd Neighborhood Association, the Tall Timber Homeowners Association and Southwest Little Rock United for Progress were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Stagecoach Road is classified on the Master Street Plan as a principal arterial. Dedication of right-of-way to 55 feet from centerline will be required.

2. Obtain a franchise agreement from Public Works (Bennie Nicolo, 371-4818) for the private improvements located in the right-of-way.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer is available for the project.

Entergy: No comment received.

Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water:

1. No objection. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
2. Contact Central Arkansas Water regarding the size and location of the water meter.
3. A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.
4. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
5. Contact Central Arkansas Water if additional fire protection or metered water service is required.
6. Contact Central Arkansas Water regarding the size and location of the water meter.
7. The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.
8. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water requires that upon installation of the RPZA, successful tests of the assembly must be completed by a Certified Assembly Tester licensed by the State of Arkansas and approved by Central Arkansas Water. The test results must be sent to Central Arkansas Water's Cross Connection Section within ten days of installation and annually thereafter.

Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.

Fire Department: Allowable by code. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: About  $\frac{3}{4}$  mile from #9 West Central/John Barrow bus route.

Parks and Recreation: No comment received.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: No comment.

Planning Division: This request is located in the 65<sup>th</sup> Street West Planning District. The Land Use Plan shows Residential Low Density (RL) for this property. Residential Low Density allows for single family homes at densities not to exceed 6 dwelling units per acre. Such residential development is typically characterized by conventional single family homes, but may also include patio or garden homes and cluster homes, provided that the density remain less than 6 units per acre. The applicant has applied for a rezoning from PDC (Single District Commercial) to PDC (Planned District Commercial) to add the use of fireworks on site to the previously approved development.

Master Street Plan: Stagecoach Road is a Principal Arterial on the Master Street Plan. A Principal Arterial is to serve through traffic and to connect major traffic generators or activity centers within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Stagecoach Road since it is a Minor Arterial. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: A Class II Bike Lane is shown along Stagecoach Road. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT: (April 23, 2014)

The applicant was not present. Staff stated there were no outstanding technical issues associated with the request. Staff noted the request was to add fireworks as an allowable use during events held at the site. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

There were no outstanding technical issues associated with the request in need of addressing raised at the April 23, 2014, Subdivision Committee meeting. The request is to amend the previously approved PD-C to add fireworks display as an allowable use for the previously approved events center. The applicant states most events are held on Saturday or Sunday afternoon between 2:00 pm and 10:00 pm. The applicant states not all events (fireworks are primarily used as a component of weddings) end with a fireworks display. The fireworks display is a package offered by the applicant to allow weddings to end with a small fireworks display. The applicant states the maximum length of the fireworks display is four (4) minutes. All fireworks displays will be completed by 9:30 pm. The fireworks display is conducted over the applicant's pond. All activities on the site will be completed by 10:00 pm.

The applicant secures all licenses and permits required to offer this service. The applicant must secure permits a minimum of 30-days in advance of an event. The applicant has stated they will notify the area property owners associations and any interested property owner or resident of the date and time of a proposed fireworks display. The applicant is also agreeable to limiting the approval of the addition of fireworks to the current property owner and not allowing this to be a transferable use.

Staff is supportive of the request. Staff feels limiting the fireworks display time to a maximum of four (4) minutes and the applicant notifying all interested persons via e-mail prior to the display of fireworks should lessen concerns of area residents by keeping them informed of activities taking place. In addition all activities and guest are removed from the site by 10 pm. Staff also feels by limiting the approval of the current ownership of the Ellis's will also lessen any potential undesirable impact on the area property owners and residents.

I. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the comments and conditions as noted in paragraphs D, E and F of the agenda staff report.

Staff recommends the approval not be transferable and is limited to the ownership of WG "Buddy" and Alda Ellis.

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PLANNING COMMISSION ACTION:

(MAY 15, 2014)

The applicant was present. There was one registered objector present. Staff presented the item with a recommendation of approval of the request subject to compliance with the comments and conditions as noted in paragraphs D, E and F of the agenda staff report. Staff presented a recommendation the approval not be transferable and is limited to the ownership of WG "Buddy" and Alda Ellis.

Mr. Buddy Ellis addressed the Commission on the merits of the request. Mr. Ellis stated he would yield his time to the opposition. He noted there were several individuals present in support of this request.

Ms. Denise White addressed the Commission in opposition of the request. She stated her concern was the outfall of the fireworks. She questioned why the fire marshal would approve shooting of fireworks when there was a burn ban. She stated there were two (2) subdivision near this site. She stated if there was a fire the neighborhood would have to wait on the fire department to respond. She stated Mr. Ellis did not have the personal to adequately staff the shooting of the fireworks. She noted several firework accidents over the past few years and stated even professionals occasionally had a mishap. She once again stated the concern was where the embers would fall after the fireworks exploded.

Mr. Ellis stated fireworks were dangerous. He stated permits were required from the City and State. He stated the State Fire Chief determined where and when a fireworks "shoot" could occur. He stated the fireworks were shot over a three (3) acre lake on his property. He stated the embers were "burned out" prior to falling to the ground. He stated he would notify the neighborhood associations of any fireworks event. He stated the firework display was under five minutes. He stated the fireworks were commercial grade fireworks. He stated the explosion was 200-feet and above. He stated the only times fireworks were used was for weddings. He stated he had used fireworks at this location for five (5) years not knowing this was a violation of zoning. He stated in that five (5) years there were no incidents with police or fire.

There was a general discussion by the Commission of the proposed use of fireworks and the impact on the adjacent homes and the area.

There was no further discussion of the item. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 9 ayes, 0 noes and 2 absent.